

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHANE SHIVERS,

Petitioner,

v.

JOHN KERESTES, et al.,

Respondents.

CIVIL ACTION  
NO. 12-1291

**ORDER**

**AND NOW**, this 2nd day of April 2013, upon consideration of Petitioner Shane Shivers' pro se Petition for Writ of Habeas Corpus (Doc. Nos. 1, 5, 12, 13, 15, 16), Respondents' Response in Opposition (Doc. No. 10), Petitioner's Reply (Doc. No. 11), the Report and Recommendation of Magistrate Judge Thomas J. Rueter (Doc. No. 18), Petitioner's Objections to the Report and Recommendation (Doc. No. 19), the pertinent state court record, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Rueter (Doc. No. 18) is **APPROVED** and **ADOPTED**.
2. The Petition for Writ of Habeas Corpus (Doc. Nos. 1, 5, 12, 13, 15, 16) is **DENIED**.
3. All outstanding motions are **DENIED AS MOOT**.
4. A certificate of appealability will not be issued because, based on the analysis contained in Magistrate Judge Rueter's Report and Recommendation, as approved and adopted by this Court, a reasonable jurist could not conclude that the Court is incorrect in denying and dismissing the habeas petition.

5. The Clerk of Court shall close the above-captioned case.

BY THE COURT:

/s/ Joel H. Slomsky  
JOEL H. SLOMSKY, J.